

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION, CINCINNATI**

<b>Dennis Allen, et al.,</b>	:	
<b>Plaintiffs</b>	:	<b>Case No. C-1-01-159</b>
<b>v.</b>	:	<b>Judge Herman S. Weber</b>
	:	<b>Magistrate Judge Timothy S. Hogan</b>
<b>Lassen Companies, Inc., et al.,</b>	:	
<b>Defendants</b>	:	<b>PLAINTIFFS' MOTION TO REINSTATE</b>
	:	<b>ACTION</b>
	:	

Plaintiffs, Dennis Allen, et al. ("Plaintiffs"), move to reinstate this action, following this Court's Order, dated January 27, 2005, in which the Court conditionally dismissed this action such that a party could move to reopen the action within sixty (60) days for "good cause shown." The dismissal was entered because the parties at that time had agreed to a resolution of this matter. However, in the past two months, one of the Defendants has reversed course, and he now refuses to participate in the settlement as previously agreed to. For this reason, Plaintiffs timely move the Court to reinstate this action.

Dated: March 25, 2005

Respectfully submitted,

/s/ Stephen A. Simon

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### **CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Stephen R. Felson, 617 Vine Street, Suite 1401, Cincinnati, Ohio 45202, Trial Attorney For Defendant Crary; Paul D. Marotta, The Corporate Law Group, 500 Airport Blvd., Suite 120, Burlingame, CA 94010, Of Counsel for Defendant Crary; and I hereby certify that I have mailed (on March 24) via certified mail, postage prepaid, the document to the following non CM/ECF participants: Leonard Kristal, 107 Diablo Drive, Kentfield, CA 94904.

s/ Stephen A. Simon

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ATTORNEY FOR PLAINTIFFS